

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JAVIER R. LOZOYA MENCHACA,

Defendant.

**8:16CR248**

**ORDER**

This matter is before the court on defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS [257]. The Court notes that the deadline for filing pretrial motions expired on May 4, 2017, however, the defendant's motion will be granted in accordance with the affidavit that was filed in support of his motion pursuant to NECrimR 12.3(a). The defendant will be given an approximate 30-day extension. Pretrial Motions shall be filed by November 9, 2017.

**IT IS ORDERED:**

1. Defendant's MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS [257] is granted. Pretrial motions shall be filed on or before November 9, 2017.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between October 10, 2017, and November 9, 2017, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 11th day of October, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge